

JEFFERSON COUNTY COMMISSIONERS  
COURTHOUSE, BOX H  
BOULDER, MT 59632  
PHONE 406-225-4025  
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
July 29, 2008**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Matt Johnson, County Attorney; Kellie Doherty, Personnel Manager; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Bob Marks, Dave Kirsch, Jack Frazier

**CALENDAR REVIEW**

7/30 Meeting with Clerk & Recorder, Road Supervisor and Great West – 9:00  
Boulder South Agency Coordination meeting – Helena – 1:00  
7/31 MTAG – 5:00

**COMMISSION REPORTS**

**ELKHORN CEMETERY**

Commissioner Notbohm stated got an e-mail from Garry Howard regarding the Elkhorn Cemetery. Garry indicated that he needs the Commission to read and be comfortable with the current by-laws. Commissioner Notbohm stated that he has read it over a couple times and he is comfortable with it. Commissioner Lythgoe stated that he sent the current by-laws to Garry, who said that they had a couple changes to make.

**CACTUS FIRE**

Commissioner Lythgoe reported that two Sundays ago he went to Whitehall for the Cactus Fire that was going on in the Whiskey Gulch area. He was called Saturday night by DNRC wondering if the County was going to request assistance. He requested assistance at that time, and two teams from DNRC arrived Sunday. They commandeered the school for use as a base camp, which worked out really well. He stated that he also went to Butte on Tuesday and met with them.

Commissioner Weber reported that he went to the fire closure meeting in Whitehall on Thursday. The Type II team handed over the reins to DNRC for clean-up. It was a good closure with a lot of discussion of what could have been done better, and what was done right. The community was very happy with what happened. The fire threatened a lot of homes and could have really

taken off.

### BIG DIPPER RSID

Commissioner Lythgoe reported that he had a meeting Monday night with the residents of Big Dipper Drive. The RSID/RMD has already been formed, the bonds sold and the construction bid awarded. There are now some who want to stop the process, but it is too late to do that now. He and Bill Lloyd of Great West met with them to explain the process and answer any questions that they might have about the process. One issue they had was with the maintenance piece of the project, and he felt comfortable at the end of the meeting that they were feeling better about this. He has since heard that there are some that are still not in favor of it. In talking with Matt and others, it is too late to stop this train; they are going to have to finish the process, the bonds have been sold. The residents had the opportunity to protest out, but not enough did at the appointed time. Apparently, they didn't read all of the information that had been given to them.

### GUINNESS WORLD RECORD

Commissioner Lythgoe stated that Thursday was somewhat fun. He was called on Wednesday by Mike Haden, who was going to be attempting to break a Guinness World Record for doing a wheelie on a tractor. He needed someone official to witness this, so he and Steve Marquis went to observe. The record was 3 miles and he traveled 5.3 miles on his back wheels.

### SADDLE MOUNTAIN RSID

Commissioner Lythgoe reported that Monday they started to chip seal Saddle Mountain Drive. He went up there to look at it earlier in the day, and it looks good. The second coat of chip seal will go down Thursday or Friday.

### CENTER FOR MENTAL HEALTH

Commissioner Lythgoe reported that he attended the Governing Board meeting for the Center for Mental Health in Great Falls the previous day.

### TRIP TO WASHINGTON D.C.

Commissioner Weber reported that he spent most of last week in Washington DC. He met with Mark Rey, the Undersecretary for the Department of Agriculture, the Deputy Chief of the Forest Service, and also Senator Tester, Senator Baucus and Denny Rehberg's representative. Topics discussed had to deal with the partnership strategy; they don't feel that they are a wide-ranging, wide-based support group and that they should come to the table with a bigger audience and try to work out a better solution for wilderness and timber harvest. They were also very adamant that Secure Rural School fund and PILT need to be reauthorized. They had good meetings with all of them. Senator Tester agreed to put together a meeting with the partnership strategy group and any of the Commissioners that could make it, as well as the Senator or one of his high-level assistants to try to expand the discussion regarding road closures, wilderness and timber harvesting. Senator Tester said that he has concerns with dead trees in the forest. He had done a fly-over of the Beaverhead-Deer Lodge National Forest the previous week and was alarmed by what he saw, so he has agreed to put that meeting together.

Commissioner Lythgoe asked who went to Washington. Commissioner Weber stated that it was himself, Commissioner Dave Schultz from Madison County and Commissioner Mike McGinnley from Beaverhead County, as well as Eldon Ayers who has been hired by Madison

and Beaverhead Counties to be their representative with the Forest Service on the cooperating status agency in putting the forest plan together. They have concerns because Alternative 6, which is the preferred alternative, came out after the partnership group submitted their comments after the comment period closed, and included some significant changes to the forest plan that mirrored what the partnership was proposing, and this was done without input from the cooperating agencies or the interdisciplinary team that was used to develop the forest plan, which would be an apparent violation of the FACA rules and NEPA rules. That is part of the message that they were carrying with them, that Alternative 6 was made without public input, somewhat of a closed-door deal, and they don't feel that this is appropriate. Within both the FACA and NEPA rules, they are required to take input from cooperating agencies, take public input and the interdisciplinary team is put together throughout the Forest Service personnel and they didn't involve them in coming up with Alternative 6, which is the violation they were concerned about. To the congressional delegation, they were discussing the fact that there are two groups - the Montana Wilderness Association and Sun Mountain Timber, that have come up with this, and it is a great idea to get environmentalists and timber companies together, but not all are involved. They would like to try to make more multiple-use, with more of the interested parties involved. Senator Tester seemed to be more prepared to carry legislation that would basically mirror what the partnership was trying to accomplish, but after they talked to him about their concerns, he did say that he would put together a meeting and try to get this bigger group together and have a better discussion.

#### **WHITEHALL METAL MINES GRANTS**

Commissioner Weber reported that yesterday the committee reviewed metal mines grant applications for Whitehall. Recommendations will be presented to the Commission next week.

#### **ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS**

Commissioner Notbohm stated that there is a meeting tomorrow with budget questions from Bonnie, and asked if they would be making decisions about any budget cuts to be made. Commissioner Weber stated that he hasn't seen Bonnie's questions yet. Commissioner Notbohm stated that he has gone over them, and they are money questions, that she has to be able to fit inside the budgets. Commissioner Lythgoe stated that he doesn't know how they can make any cuts at this time, as we don't know the value of the mill yet. Commissioner Notbohm stated that this is what he is getting at; without those reports they can't do anything. Commissioner Lythgoe stated that they don't know that they have to make any cuts at this point. Commissioner Notbohm stated that we are about 30 mills shy of budget at this time, which is \$750,000. Commissioner Lythgoe stated that this is the first he has heard of this. Commissioner Weber stated that the short answer is that he doesn't know. He hasn't talked to Bonnie and doesn't know what her questions are. Commissioner Notbohm stated that he knows some of it; we have to deal with some things that we still owe money for. He talked with her the other day and right now we tentatively have about \$88,000 left in our PILT monies for the year. Commissioner Lythgoe stated that the only PILT figure he has seen is what Bonnie presented to them a while ago. He doesn't know how anyone can say that we only have \$88,000 left in PILT, when we haven't made any of those decisions yet. Commissioner Notbohm stated that depending upon how you look at it, we still have monies to pay off from last year. Most of it has to do with the

Wagner house, which will be reimbursed when we get the Intercap loan. Commissioner Lythgoe stated that he thinks that it is way premature and almost inappropriate to bring it up in a meeting at this time. Commissioner Weber said that he would say that they wouldn't be making cuts at the meeting the next day, as they don't know the value of the mill yet.

## **CORRESPONDENCE**

The Commission was presented task order from Great West for the moving of Dunn Lane. Commissioner Weber signed the task orders.

The Commission was presented with the Notice to Proceed forms for Big Dipper Drive RSID work. As Commissioner Lythgoe said, there are some residents who would like to stop the process, but it is too late now. Commissioner Weber signed the forms. Commissioner Notbohm stated that in regards to this, he had some calls too, and he is amazed that these people, who got all of the paperwork, think that it can be stopped at this point. Commissioner Lythgoe said that the big issue that they had initially was the maintenance. Because the County has been maintaining the roads, they felt that the County would be abandoning the roads if they took over the maintenance. However, because the County has been maintaining the roads in the past, the maintenance part will be different from other RMDs. All that the district will be paying for is the materials; the County will continue to do the work. He thought that this was understood by all after the meeting, and he drafted a letter explaining the maintenance piece. He sent the letter to Mr. McClusky, and as he was going around sharing the letter, it came out that there were those that didn't even want the paving piece of the project. They had the whole conversation about them having the ability to opt out of the project, and they felt that they didn't have an opportunity of making a yea or nay decision. The fact is that they had two opportunities.

## **SUBDIVISION REVIEW**

### **SHEEP MOUNTAIN MINOR SUBDIVISION 1, 2, 3, & 4**

Harold Stepper, County Planner, stated that he would like to abbreviate this and put all of the subdivisions together. This was agreeable to the Commission. Harold presented his staff report for the subdivisions. The developer is asking for a second time extension for preliminary plat approval. Harold recommended that a one-year extension be granted.

Commissioner Weber asked if they are just asking for the extension at this time, rather than the two variances listed on the agenda. Harold stated that this is what they agreed to that morning. Jack Frazier, the developer, stated that Joe is out. They will be meeting with him on Thursday. He said that they are working up there and working quite a bit with Joe. Regarding bonding, they feel that they are getting pretty close. He asked if they can get final plat if they meet the requirements. When they bond, they would have pretty much everything done but putting gravel on the road. Commissioner Weber stated there is a provision in the subdivision regulations for bonding the final stages of the work, but it might get a bit sticky if they are asking for a variance at the same time. They might want to separate those issues and try and get them dealt with individually. Commissioner Lythgoe stated that the only thing he would add is that several times

when people have come in to bond, they don't allow for enough time at the end for the work to be done before the letter of credit expires. Jack stated that all they plan to bond for is the gravel, and he doesn't think that it would take them six months to do that. He asked if the gravel that comes out of Ash Grove is good for use on the road. Commissioner Weber stated that it would depend. It would have to be tested.

Commissioner Weber stated that the issue before the Commission is the approval of a one-year extension.

Commissioner Lythgoe moved to grant a one-year extension to Sheep Mountain 1, 2, 3 and 4 Minor subdivisions. Commissioner Notbohm seconded. The motion carried. Harold stated regarding the bonding, they normally have DEQ approval before any bonding is done. DEQ does have the ability to require that there be fewer lots, etc.

### **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

#### **RESOLUTION 04-2008 AMENDED SETTING PER DIEM RATES**

Commissioner Weber stated that this will be moved to the following week's agenda, to add the out-of-state per diem rates.

#### **RESOLUTION 29-2008 SETTING SALARIES OF COUNTY OFFICIALS**

Commissioner Weber read the resolution as follows:

### **RESOLUTION 29-2008**

### **SALARIES OF COUNTY OFFICIALS**

**WHEREAS**, the County governing body shall, by Resolution, on or before August 1 of each year, adjust and uniformly fix the salaries of the County Clerk and Recorder, County Treasurer, County Superintendent of Schools, County Sheriff, and Clerk of District Court based upon the recommendations of the County Compensation Board provided for in §7-4-2503 (4), MCA, and

**WHEREAS**, the Compensation Board has recommended the following:

- That the Clerk and Recorder be compensated for election duties in the amount of \$2,000.00.
- That the Clerk and Recorder be compensated an additional \$3,000.00 for assessor duties.

- That the Sheriff be compensated an additional \$4,900.00 for coroner duties.
- That the Elected Officials receive a 3.2% COLA increase on the base salary of FY 2007-2008 for the 2008-2009 fiscal year.

**NOW, THEREFORE, BE IT RESOLVED**, that the base salaries for the elected officials of Jefferson County for fiscal year 2008-2009 be established as follows:

County Clerk & Recorder/Assessor/Election Administrator	\$49,292.57 (plus existing longevity)
County Treasurer	\$49,292.57 (plus existing longevity)
Clerk of District Court	\$49,292.57 (plus existing longevity)
Superintendent of Schools - half time	\$24,646.29 (plus existing longevity)
County Sheriff/Coroner	\$49,292.57 (plus existing longevity)
County Commissioners	\$49,292.57 (plus existing longevity)
County Attorney	\$94,317.30 (plus existing longevity)

**BE IT FURTHER RESOLVED**, that the County Commissioners and the Sheriff shall receive an additional \$2000.00, and the Superintendent of Schools will receive an additional \$1,000.00 (as a half-time position) as provided by law. The State Department of Justice pays a portion of the County Attorney's salary.

**DATED** this 29<sup>th</sup> day of July, 2008.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Lythgoe moved to adopt Resolution 29-2008. Commissioner Notbohm seconded. The motion carried.

RESOLUTION 30-2008 SETTING SALARY FOR THE JUSTICE OF THE PEACE

Commissioner Weber read the resolution as follows:

**RESOLUTION 30-2008**

**SALARY OF THE JUSTICE OF THE PEACE**

**WHEREAS**, pursuant to §3-10-208, MCA, the Board of County Commissioners is required to set the salary for the Justice of the Peace by resolution; and

**WHEREAS**, §3-10-207, MCA requires that the salary of the Justice of the Peace be set at a level not less than the salary received by the District Clerk of Court; and

**WHEREAS**, §3-10-208, MCA, requires the office hours be designated by the Board of Commissioners by resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the Justice Court office shall be open for transaction business from 8:00 a.m. to 12:00 (noon) and from 1:00 p.m. to 5:00 p.m., every day of the year except holidays, Saturdays and Sundays.

**BE IT FURTHER RESOLVED** that the salary for the County Justice of the Peace for fiscal year 2008-2009 be set at \$49,292.57, plus existing longevity.

**DATED** this 29<sup>th</sup> day of July, 2008.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**

Commissioner Weber moved to adopt Resolution 30-2008. Commissioner Lythgoe seconded. The motion carried.

#### **DISCUSS CHANGING STAFF TO 4-10s SCHEDULE**

Commissioner Lythgoe stated that with the advent of \$4.00+ gasoline and diesel, he thought this might be something that the Commission should consider. The Commission can, at its will, make that decision regarding those departments that the Commission is over, such as Road, Planning, and Sanitarian. Of course in the case the elected official's departments, Clerk and Recorder, Treasurer, County Attorney, etc., the Commission can make a recommendation, but cannot require it. The Commission will need some feedback from the other elected officials and department heads, but it makes sense to save those employees that are traveling some money, as well as save some energy costs. Commissioner Lythgoe stated that he did call MACo, as Bonnie was hoping that they could shut down for a day, but that is not the case.

Mike Hoffman, stated that the planning office does have two people there at all times, so that rather than shutting down the office for a day, they could alternate. Commissioner Lythgoe stated that this is what he is suggesting; in offices where there are two or more employees, the office would always be manned and open five days a week.

Commissioner Notbohm asked Kellie Doherty, Personnel Officer, if there would be a problem with the unions.

Kellie stated that as Commissioner Lythgoe said, there are certain offices that have to be open five days a week. She also has no problem with 4-10s, and she has talked to MACo as well. She asked if this is a summer thing, or year-round. Commissioner Lythgoe stated that as long as fuel is costing what it is now, it should be year-round. He isn't suggesting that offices be shut down, but that the shifts are staggered. However, due to the energy costs, they might want to consider going to four days a week to save on utilities. Discussion followed of the various offices and their potential to stagger the shifts of the staff.

Commissioner Weber stated that it seems appropriate to have a Department Head/Elected Official meeting to discuss this. A meeting will be scheduled.

#### **APPOINT BOARD MEMBERS**

Commissioner Weber stated that there is a vacancy on the Library Board. The Commission received two applications, one from Tresa Larson of Boulder and one from Holly Harper of Whitehall. He has talked to both applicants. Tresa stated that she was willing to serve, but was willing to pass on this one, as she already sits on two other boards. Commissioner Weber stated that he would recommend that Holly Harper be seated. Commissioner Lythgoe moved to appoint Holly Harper to the Library Board. Commissioner Notbohm seconded. The motion carried.

#### **OPPORTUNITY FOR PUBLIC COMMENT**

Caroleen Vaughan asked how the Commissioners are addressing the issues on the Museum Board. Commissioner Weber stated that they haven't taken any action yet. The Commission has



received the letter, which he passed on to Kellie and Matt. He hasn't heard back from them. Caroleen asked regarding the resolution that created the Museum Board, if the Commission has the ability to override decisions. Commissioner Weber stated that he thinks that the County has the ability, but he would have to check with Matt and Kellie. Caroleen asked what the process would be. Commissioner Weber stated that this is something else that he would need to check with the County Attorney's office.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

## **MEETING ADJOURNED**

### **ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**KEN WEBER, CHAIR**

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**TOMAS E. LYTHGOE, COMMISSIONER**

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**CHUCK NOTBOHM, COMMISSIONER**